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South Carolina Department of Health
and Environmental Control

Permit for Construction in Navigable Waters

in Accordance with R. 19-450 et. seq., 1976 S.C. Code of Laws

PERMITTEE: **South Carolina Department of Transportation (SCDOT)**
PERMIT NUMBER: **SC GP 95-002 (Revised)**
DESCRIPTION OF WORK: To perform work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under Regulation 19-450 *Permits for Construction in Navigable Waters*, et seq., Code of Laws of South Carolina, 1976, as amended (R.19-450). The following construction activities will be covered by the General Permit reissuance: replacement, rehabilitation, refurbishment and/or retrofitting of material and design to bridge structures and box culverts insuch a manner as to restore or maintain usefulness, increase safety or extend the life of the structure or its purpose; the placement of riprap, guardrails or pipes and box culverts and repaving, widening of approachway shoulders, minor roadway widening, paving and repaving (all of which must impact less than one half (0.5) acre of navigable waters per project), cleaning and repairing of outfall and roadway ditches that connect to State Navigable Waters. Proposed modifications involve authorization of utility line and scientific monitoring equipment relocation necessitated by bridge replacement construction.
DATE PERMIT ISSUED: May 29, 2015
CONSTRUCTION MUST BE COMPLETED BY: May 29, 2020

We have reviewed plans for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the permitting requirements of R. 19-450 et. seq., 1976 S.C. Code of Laws. The SC Department of Health and Environmental Control has also determined that this work is consistent with the Coastal Zone Management Program (48-39-10 et. seq.).

Please reference the attached copy of the general permit for applicable conditions.

The SC Department of Health and Environmental Control reserves the right to impose additional conditions on this Permit to respond to unforeseen, specific problems that might arise and to take any enforcement action necessary to ensure compliance with State standards.

All activities authorized by this permit remain subject to the requirements of all applicable laws, regulations and ordinances of federal, state, and local governments. The permittee may not conduct or maintain any activities authorized by this permit unless such activities also comply with all other applicable laws, regulations and ordinances of federal, state and local governments.

This permit shall not be deemed to be in derogation of any property rights or interests of persons or entities other than the permittee with respect to (a) property upon which the permitted activity is situated, or (b) property affected by the permitted activity. This permit confers upon the permittee no greater rights than the permittee possessed before issuance of the permit with respect to property rights or interests of third persons or entities.

Heather Preston — 5/29/15

Heather Preston, Director
Division of Water Quality

Date

General Permit No: SC GP – 95- 002 (Revised)
Name of Applicant: South Carolina Department of Transportation (SCDOT)
Effective Date: May 29, 2015
Expiration Date: May 29, 2020

South Carolina Department of Health and Environmental Control General Permit

A General Permit to perform work in or affecting the navigable waters of South Carolina, pursuant to regulations and procedures established under R. 19-450, et seq., Code of Laws of South Carolina, 1976 as amended, is hereby issued by the South Carolina Department of Health and Environmental Control (SCHDEC) to:

South Carolina Department of Transportation involving
Navigable Waters of South Carolina and

to authorize the following construction activities: Replacement, rehabilitation, refurbishment and/or retrofitting of material and design to bridge structures and box culverts in such a manner as to restore or maintain its usefulness, increase safety or extend the life of the structure or its purpose. Bridge replacement is defined as any project that involves the construction of a new bridge on the same location as an existing bridge or the total removal of the superstructure or more of an existing bridge. Bridge rehabilitation, refurbishment or retrofitting is anything less in scope than replacement. Bridge replacement on new location is not authorized by this General Permit. Bridge replacement on new location is defined as any bridge that extends more than 150 feet perpendicular to an existing bridge structure, centerline to centerline.

Concomitant to bridge replacement or rehabilitation as above defined, additional activities authorized include the placement of riprap, guardrails, pipes and box culverts, and repaving. Also, included is widening of approachway shoulders, minor roadway widening, paving and repaving; all of which must impact less than 0.50 acre of navigable waters per project. Cleaning and repairing of outfall and roadway ditches that connect to State navigable waters are also included. This is defined as the restoration of ditches to original elevations by the removal of accumulated debris and sediment.

Additionally, utility lines attached to existing bridges to be replaced may be relocated provided the relocation is with the right-of-way of the affected highway. Utility line replacement may be aerial, subaqueous, or attachment to the new bridge structure. Scientific monitoring equipment may be temporarily moved to adjacent areas until such time as the new bridge has been completed at which time the equipment must be relocated to the new bridge structure.

I. General Conditions

A. Activities authorized by this General Permit shall be as above described and conforming to the standards and conditions contained herein. Other construction of any kind with the navigable waters of South Carolina is not authorized by this document.

B. All activities identified and authorized herein shall be consistent with the terms and conditions of this permit. Any variance or activity not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit; which may result in the modification, suspension, or revocation of this permit, and in the institution of such legal proceedings as the SCDHEC may consider appropriate.

C. The SCDOT must make every reasonable effort to execute the work authorized herein in a manner so as to minimize any adverse impact of the work on fish, wildlife, and the natural environmental values or historic or prehistoric values.

D. The SCDOT must execute the work authorized herein in a manner so as to minimize any degradation of water quality.

E. The SCDOT shall permit State law enforcement personnel, representatives of the SCDHEC, or other authorized State permit inspectors to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

F. The SCDOT shall maintain structures authorized herein in good condition.

G. This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirements to comply with any applicable standards required by ordinance for the construction of structures authorized herein.

H. This General Permit may be either modified, suspended, or revoked in whole or in part if the SCDHEC determines that such action would serve the public interest, and such modification, suspension or revocation shall not be an act entitling the permittee to compensation for any claimed loss as a consequence of such regulatory action, under any circumstances, this permit being issued solely as an accommodation to the permittee, and being revocable as conditions may warrant.

I. No attempt shall be made by the SCDOT to prevent reasonable use by the public of all navigable waters adjacent to the activity authorized by this permit.

J. If and when the SCDOT desires to abandon an authorized structure; the SCDOT may be required to remove the structure.

K. There shall be no unreasonable interference with navigation by the existence or use of structures authorized herein.

L. The SCDOT, upon receipt of a notice from the SCDHEC of failure to comply with the terms, conditions, or standards of this General Permit shall, within sixty (60) days (unless circumstances require more expeditious action to protect public health, safety, or environment) and in such manner as the agency may direct, effect compliance with terms, conditions, and standards or remove the structure from the navigable waters of South Carolina.

M. This General Permit relates to jurisdictional navigable waters of South Carolina excluding the critical areas of the coastal zone.

N. This General Permit is not applicable to projects requiring fill material placed in tidal waters.

O. This General Permit does not apply to bridge replacement projects that require an individual permit from the United States Coast Guard.

P. The Permittee must notify the South Carolina Department of Archives and History (Historic Preservation Division, Columbia, South Carolina) if any archaeological materials are encountered during the course of the work. Archaeological materials consists of any items, fifty years or older, which were made or used by man. These items include, but are not limited to stone projectile points, (arrowheads), ceramic shards, bricks, worked wood, bone and stone, metal and glass objects, and human skeleton remains. These materials may be present on the ground surface and/or under the surface of the ground.

Q. If underwater archaeological or paleontological remains are found during the course of work, the applicant must notify the South Carolina Institute of Archaeology and Anthropology (in accordance with the South Carolina Underwater Antiquities Act of 1991 (Article 5, Chapter 7, Title 54, Code of Laws of South Carolina, 1976). Archaeological remains consist of any material made or altered by man, which remain from past historic or prehistoric times (i.e., implements or tools, human burials, historic docks, structures, or non-recent vessel remains. Paleontological remains consist of prehistoric animal remains, original or fossilized, such as teeth, tusks bone, or entire skeletons.

II. Special Conditions: The following conditions set forth minimum criteria and do not preclude the establishment of more stringent criteria by appropriate authority or agreement.

A. Once the project is initiated, it must be carried to completion in an expeditious manner in order to minimize the period of disturbance to the environment.

B. Riprap must consist of clean stone or masonry material free of all potential sources of pollution.

C. Riprap must be place against the existing erosional scarp and landward of any wetland vegetation to prevent the loss of wetlands.

D. Pipes and box culverts must be placed at the same elevation as the flood plain or streambed to prevent erosion, to provide adequate passage of the indigenous aquatic community and to provide unimpeded flow of floodwaters.

E. Prior to the work beginning, a silt fence, silt barrier, or other suitable sediment control device must be placed between the construction area and the affected wetland or waterway. This device must be kept in a functioning capacity until the area is stabilized.

F. Construction activities must avoid encroachment into any wetland areas to the greatest extend practicable. Any unavoidable impacts to wetlands must be appropriately restored or mitigated consistent with agency guidelines.

G. Construction activities in navigable waters, including the removal of an existing bridge, must be minimal during the months of March, April, May, and June because of potential impacts to spawning fish.

H. SCDOT is advised that development activities in a 100-year floodplain, as designated in the Federal Emergency Management Agency (FEMA) Flood Insurance Study Data, are subject to floodplain management regulations of the National Flood Insurance Program [(NFIP) (44CFR)]. The NFIP further prohibits any development within a designated floodway, including placement of fill that results in any increase in based flood elevations. SCDOT must also comply with the FEMA – U.S. Federal Highway Administration Agreement on Floodplains Management.

I. All necessary measures must be taken to prevent oil, tar, trash, debris and other pollutants from entering the adjacent waters or wetlands.

J. Upon completion of construction activities, all disturbed areas, which are not paved must be restored to their original contours and must be permanently stabilized with a vegetative cover. This may include sprigging, trees, shrubs vines or ground cover.

K. Access to the project sites must be attained from highland, from the portion of the bridge already completed ("end on end construction") or from temporary work trestles, floating barges or mats instead of barge canals or causeways.

L. Scupper drains must not be placed directly over the waterbody, if practicable. Additionally, drains must be placed at an appropriate distance apart as design criteria allow.

M. Stormwater control measures, both during construction and post-construction, are required for bridges constructed over 303(d), TMDL, ORW, and other sensitive waters in accordance with the applicable SCDOT MS4 Permit.

N. All bridges and aerial utility line relocation associated with bridge replacement must meet SCDHEC navigation clearance requirements.

O. At the same time the SCDOT submits its permit application to the SCDHEC, SCDOT shall also submit a coy of the application to the S.C. Department of Natural Resources (SCDNR). SCDNR shall have ten (10) days from receipt of the application to notify SCDHEC of any relevant special or unique natural resource features or values (such as the presence of endangered species) and any measures needed to avoid impacts to such special features or values or to recommend that the project be elevated to individual permit status.

P. Any deviation from the specifications or other terms or conditions of the General Permit would constitute a violation of regulations and could result in removal of the structures or work and restoration of the waterway to its former condition and/or imposition of penalties by law.

III. Required Authorization

For authorization of the activities described in this General Permit, SCDOT must first complete and submit to SCDHEC a permit application for the work proposed.

IV. Penalties for Violation

Any deviation from the specifications of the terms or conditions of the General Permit would constitute a regulatory violation and could result in removal of the structures or work and restoration of the waterway to its former condition and/or imposition of penalties as provided by law.

V. Revocation of General Permit

This General Permit may be withdrawn or removed by issuance of a public notice at any time the SCDHEC determines that the singular or cumulative effects of the activities authorized herein have an adverse effect on the public interest. Following such revocation any future activities in areas covered by this General Permit will be processed as individual permits.

VI. Duration of the General Permit

This General Permit shall become effective on the date signed by the SCDHEC. This permit will cover activities started within five (5) years and completed within six (6) years after the date of issuance unless this permit is revoked in the interim. A revocation of the General Permit will not affect the work authorized by the effective General Permit.

By Authority of the South Carolina Department of Health and Environmental Control

Signature

5/29/15
Date

Director, Water Quality Division
Title